



Interview Summary: Deputy Chief Howard Chow (Canadian Association of Chiefs of Police)

DC Chow was interviewed by Frank Au, Mark Pritchard, and Eric Brousseau on September 2, 2022. Questions about this summary should be directed to Eric Brousseau.

Background

DC Chow is a Deputy Chief of the Vancouver Police Department (**VPD**). He also co-chairs the Law Amendments Committee for the Canadian Association of Chiefs of Police (**CACP**). He has 33 years of policing experience, and is trained as a POU Commander. He was President of the British Columbia Association of Chiefs of Police until last year, and has extensive experience in policing protests.

DC Chow prepared a PowerPoint presentation entitled “The New Normal: The Protesting Public” for the CACP.¹

Overview

DC Chow noted that there has been a threefold increase in protest numbers in the last 15 years. Vancouver had 800+ protests last year, up from 500-600 the prior year. Many of these are managed by VPD, although some require significant resources. VPD spent \$3.1 million on dealing with protests last year.

The policing of protests has a “cost” in terms of officer fatigue, mental health, and injury. In addition, protesters are more willing to be arrested and to “dox” officers, as well as make vexatious complaints afterwards which stifle police operations and use up scarce resources.

Protests have also evolved such that protesters are now using more sophisticated techniques and tactics, including using children or elderly as shields, “sleeping dragons,”² or targeting infrastructure, commerce and transportation for maximum effect.

CACP’s Law Amendment Committee (LAC) and other CACP committees

The Law Amendment Committee examines laws being passed federally that touch on policing, as well as case law that affects police powers (*R. v. Fleming*, for instance). The

¹ CHF00000006.

² A sleeping dragon is a maneuver used by protesters to hinder their removal from a protest site. It involves handcuffs and PVC pipe: a series of protesters are handcuffed together through the PVC pipe, which precludes police from simply using bolt cutters to break the handcuffs.



LAC provides informed approaches to statutory changes and sometimes intervenes in important cases before appellate courts.

The LAC is comprised of lawyers and police leaders, and includes representation for the Department of Justice, Public Safety, and Public Prosecution Service of Canada.

Other CACP committees include the Drug Advisory Committee, EDI Committee, Public Order Unit Committee, Emergency Management Committee, and many others.

The CACP does not generally lobby government, although it provides information to government and other key stakeholders on the use of force or complaints processes, for instance.

Policing Public Order Events

DC Chow explained that in British Columbia, Newfoundland and Labrador, and Quebec, the Crown approves all criminal charges, whereas in other provinces, the police lay criminal charges. In B.C., the VPD may make “breach arrests” and remove protesters from a location in circumstances where that protester is not ultimately criminally charged. This enables the VPD to deal with protests without necessarily leading to court backlogs. In the past few years, DC Chow has noticed more protesters who are prepared to be arrested and charged, and the VPD have laid more charges as a result. (Pilot programs testing this model of the Crown laying charges are underway in Ontario and Alberta.)

Another change DC Chow has seen are “professional” protesters who go to university campuses and convince ideological students to attend protests. The main organizers then take a step back and let the students get arrested.

Gathering protest-related intelligence has become a challenge. Protest organizers know that open-source information is being monitored so they use the dark web or other clandestine communications. As such, it is sometimes difficult to know if a protest will involve 100 people or 10,000 people. With respect to the Freedom Convoy specifically, there was so much open-source information that it was hard to filter out what was reliable and relevant.

Protester tactics have changed recently as well. As indicated earlier, they are more willing to “dox” police officers. They can be financed online and from abroad, they have begun to inundate police services with vexatious complaints after the fact, and have recognized that they can drain police resources to eliminate or reduce police’s response capability elsewhere. The increasing frequency of counter-protests also drains police resources and increases the risks inherent in policing protests.

With respect to the Freedom Convoy – the use of convoys in Canada was new, as was “anchoring” the trucks by removing their tires. This presented new challenges in policing the protests. Moreover, protest tactics are always evolving, so it is difficult for police to know what new strategies or tactics protesters will adopt.



In circumstances where there are multiple police agencies with overlapping jurisdiction for an event or protest, coordination is key. On Vancouver Island, there are 8-9 agencies within a small area. Relying on your partners is necessary so the primarily affected force can also continue its regular police operations during a public order event. DC Chow was optimistic that Ottawa was an anomaly and a learning experience, and would foster greater collaboration in preparing for and responding to similar protests in future.

DC Chow expressed the view that government has a role to play in coordinating a response and gathering resources, although it cannot wade into operational planning.

With respect to communications during a public order event or protest, DC Chow noted that police forces need to do a better job in providing timely communications to the public. Otherwise, the mainstream media and social media fill the void left by a lack of police communications. He also noted that sometimes public statements are not directed at the public or at elected officials, but at the police forces members, who need to feel supported so that morale remains high. DC Chow noted that experienced leaders use communications as a tool, and he does not worry that such tools drive operational decisions.

DC Chow said integrated or unified command should be set up on a case-by-case basis. It needs to be driven by the expertise of the police force policing the event, and the police must be mindful that their response to an event might aggravate an issue or cause larger protests than might otherwise occur. The police response should not exacerbate the situation.

Freedom Convoy in Vancouver

DC Chow was involved in VPD's response to the Freedom Convoy protests in Vancouver. Supt. Chan was in charge of VPD's POU and dealt with weekly protests in Vancouver, as well as Victoria and other parts of B.C. VPD sent 20 officers to Ottawa. DC Chow and Supt. Chan recognized that this was not just an Ottawa phenomenon and that Vancouver could be next.

CACP's National Framework

The CACP's goal was to publish a national framework that would ensure a consistent approach to protests across the country. In particular, the CACP wanted the framework to be a toolbox for smaller police agencies that could not develop one on their own.

The CACP's *National Framework for Police Preparedness for Demonstrations and Assemblies* was published in November 2019 and was developed by the Policing with Indigenous Peoples (PWIP) Committee. Generally speaking, when frameworks are developed, it involves legal opinions, community opinions, and police experts and cross-jurisdictional opinions across the criminal justice system. The Framework has not been updated yet, however all police directives and frameworks are routinely revisited based on changes in practices, policies, and law.



The framework was highlighted in an article that appeared in the edition of the Canadian Police Chief Magazine and is available in the 'Resources' section of the CACP website. No specific training has been developed for this framework, but a CACP PWIP Liaison Course has been pilot tested. The Liaison Course Outline is available on the CACP website.

VPD has a PLT equivalent called the Planning Assessment Team (**PAT**). DC Chow noted the importance of negotiation to the successful management and resolution of protests. It is important that the police remain neutral in protest management and not take sides.

Incident Command System

VPD uses the Gold-Silver-Bronze system, although it used to use the Incident Command System. There is a patchwork across the country in terms of who uses which system.

It is important that PLT/PAT be represented at the incident command table. It is also critical that incident command be operationally autonomous from the government and free of political interference. Finally, it is important that an incident commander have operational autonomy, but this does not mean their decisions should not be subject to scrutiny or that police chiefs and other executives cannot ask questions of the incident commander. Any issues are typically resolved collegially.

When a police chief steps into the role of incident commander by becoming too involved, there is then no one else above the chief to provide the necessary perspective. It would be a big problem and should only occur where there are severe or significant failings (in which case the chief ought to replace the incident commander, not step in themselves).

DC Chow suggests that the Incident Command System should not be legislated at the federal level as the approaches of individual provinces may vary.

Recommendations

DC Chow made the following recommendations for the Commission to consider:

- Coordination for larger protests – DC Chow expressed the need for a body to help coordinate information between government, police, hospitals, ambulances, etc.
- Resourcing – DC Chow noted that responding to protests is “crushing” police organizations, who are unable to staff protests based on their current funding model and need changes to help forces deal with the increase in protest activity.
- Indigenous issues – police forces need to recognize sensitivities and cultural significance or certain issues or practices, and to provide more latitude or time for Indigenous protests, as well as to embed Indigenous Liaison Officers.



- Legislation – officers are the brunt of all protest responses with inadequate care and protection for officers. It is difficult to call officers out to police protests. Governments have been quick to protect health workers, and should pass similar legislation to protect the police. DC Chow believes there should be a line that cannot be crossed in terms of how police officers are treated by the public.
- Communication – with respect to larger protests (such as the Freedom Convoy), DC Chow believes that government and elected officials need to provide public condemnation and draw lines publicly – lawfulness, peacefulness, and safety are the operating necessities. If politicians don't or won't speak out, police face added dangers from protests.